

PATENT
Customer Number 22,852
Attorney Docket No. 7451.0002-04000
Client Ref. No.: IT-8.4 (US)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
David M. VAN WIE, et al.) Group Art Unit: 2436
Application No.: 10/618,427) Examiner: Carlton JOHNSON
Filed: July 10, 2003) Confirmation No.: 5616
For: STEGANOGRAPHIC)
TECHNIQUES FOR SECURELY)
DELIVERING ELECTRONIC)
DIGITAL RIGHTS MANAGEMENT)
CONTROL INFORMATION OVER)
INSECURE COMMUNICATION)
CHANNELS)

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicant brings to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of the cited U.S. patent(s) and U.S. patent publications are not provided, as they are not required. See 37 CFR 1.98(a)(2). Copies of co-pending application(s)

are also not provided, as the requirement in 37 CFR 1.98(a)(2)(iii) to provide a copy has been waived where the cited pending application is stored in the USPTO's IFW system.

See Waiver of the Copy Requirement in 37 CFR 1.98 for Cited Pending U.S. Patent Applications, 1287 O.G. 163 (Oct. 19, 2004).

Copies of the listed foreign and non-patent literature documents and Official Actions from foreign patent offices are submitted herewith.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003), that an "adverse decision" by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicant should disclose prior rejections of "substantially similar claim[s]" to the Office. See also M.P.E.P. § 2001.06(b). Accordingly, although Applicant is not representing that the Office Actions in the co-pending applications are material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicant has listed the substantive Office Actions in co-pending applications on the attached form. Copies are not provided of these Office Actions for the same reasons that copies of pending applications and information cited in a prior application are not required, that is, copies are readily available to the Examiner through the USPTO's IFW system.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicant determines that the cited document(s) do not constitute "prior art" under United States law, Applicant reserves the right to present to the U.S. Patent and Trademark Office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
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Dated: November 15, 2010

By: _____

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